

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

ALVIN G. TAYLOR,
Petitioner,
vs.
STATE OF TENNESSEE,
Respondent.

)
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) C. C. A. NO. W1999-01736-CCA-R3-PC
)
) SHELBY COUNTY
)
) No. P-21522-24
)
)

FILED

March 15, 2000

Cecil Crowson, Jr.
Appellate Court Clerk

ORDER

This matter is before the Court upon the state’s motion to affirm the trial court judgment by order pursuant to Rule 20, Rules of the Court of Criminal Appeals. On June 24, 1999, the petitioner filed three separate petitions for post-conviction relief. The petitioner pled guilty to two counts of robbery in 1979, two counts of grand larceny and one count of receiving stolen property in 1982, and three counts of robbery in 1985. No appeals were apparently taken. The petitioner alleges that he received ineffective assistance of counsel during each of his guilty pleas and that the pleas, therefore, were not voluntarily entered. Finding that the statute of limitations has expired, the trial court dismissed the petitions.

Pursuant to T.C.A. § 40-30-202(a), a person in custody under a sentence of a court of this state must petition for post-conviction relief within one year of the date of the final action of the highest state appellate court to which an appeal is taken or, if no appeal is taken, within one year of the date on which judgment became final. The Post-Conviction Procedure Act provides several limited exceptions to the one-year statute of limitations, however none of them are applicable to the present case. See § 40-30-202(b). The record reflects that the petitions in this case were filed well beyond the applicable statute of limitations, and are, therefore, untimely.¹

¹ The petition would also be barred under the previous three year statute of limitations. See T.C.A. § 40-30-102 (1990) (repealed); Passarella v. State, 891 S.W.2d 619 (Tenn. Crim. App.), perm. to app. denied, (Tenn. 1994).

Accordingly, we conclude that the trial court did not err in dismissing the petitioner's petitions for post-conviction relief. It is, therefore, ORDERED that the judgment of the trial court is hereby affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals. Costs shall be taxed to the state.

DAVID G. HAYES, JUDGE

JOE G. RILEY, JUDGE

JOHN EVERETT WILLIAMS, JUDGE